



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: United States Forgecraft Corp.—Reconsideration

File: B-224509.2

Date: August 13, 1986

DIGEST

1. Protest based on alleged solicitation improprieties incorporated into the solicitation after a closing date for receipt of proposals must be filed before the next closing date.
2. Where a protester fails to offer any evidence that the agency disclosed proposed prices to other offerors, its contention in this regard is mere conjecture and provides no basis to sustain a protest.

DECISION

United States Forgecraft Corp. (USFG) requests that we reconsider our dismissal of the firm's July 30, 1986, protest of the award of a contract under Department of the Air Force request for proposals (RFP) No. F41608-86-R-1674. USFG contends that we misconstrued the basis for the protest in finding that it was not timely filed. We affirm the dismissal.

USFG protested that a June 10 amendment to the solicitation improperly "reopened and extended" the RFP after initial proposals were submitted; USFG argued that such actions are only proper before the date set for receipt of initial proposals. Offers in response to the amendment were due on June 25, but USFG did not protest until July 30. We dismissed the protest pursuant to section 21.2(a)(1) of our Bid Protest Regulations, 4 C.F.R. part 21 (1986), which requires that alleged improprieties in a solicitation that are incorporated into it after a closing date for receipt of proposals has passed be protested by the next closing date.

In requesting reconsideration, USFG attempts to distinguish between the protests contemplated by section 21.2(a)(1) and its own protest, contending that the regulation does not apply. There is no merit to the firm's position, however. It is incumbent on an offeror to protest a matter as early in the procurement process as possible—the purpose of our timeliness rules is to enable our Office to resolve an issue while corrective action, if warranted, is most practicable. See Ratcliffe Corp.—Request for Reconsideration, B-220060.2, Oct. 8, 1985, 85-2 C.P.D. ¶ 395. USFG knew its basis for protest when it received the June 10 amendment, and it was incumbent on the firm to raise the issue

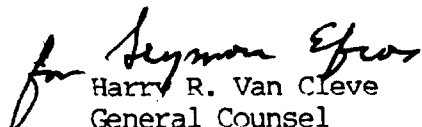
036356

with which it was concerned before the competition continued. The next event in the competition was proposal receipt on June 25, and since it did not protest before that date, USFG was precluded by our timeliness rules and policies from raising its complaint later. The protest thus properly was dismissed.

USFG also suggests that confidential information may have been released to the successful offeror, which enabled that firm to submit a low-priced offer. USFG's position, however, is founded on speculation only, and our Office will not find improper action by an agency based on conjecture or inference. Joseph L. De Clerk and Associates, Inc., B-221723, Feb. 10, 1986, 86-1 C.P.D. ¶ 146.

Finally, USFG requests that we convene a conference on its protest. In view of the above, however, a conference would serve no useful purpose. See American Hospital Supply, Equipping and Consulting, B-221357, Jan. 22, 1986, 86-1 C.P.D. ¶ 70.

Our dismissal of USFG's protest is affirmed.


Harry R. Van Cleave
General Counsel